

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA**

RENEE ZINSKY,

Civil Action

Plaintiff,

No. 2:22-cv-547

vs.

Judge Horan

MICHAEL RUSSIN, RUSSIN FINANCIAL,
RUSSIN GROUP, SIMON ARIAS, III,
ARIAS AGENCIES, S.A. ARIAS HOLDINGS, LLC,
AMERICAN INCOME LIFE INSURANCE
COMPANY,

Defendants.

JURY TRIAL DEMANDED

**PLAINTIFF’S BREIF IN SUPPORT OF MOTION FOR CONTEMPT AS TO DEFENDANT
MICHAEL RUSSIN**

AND NOW, comes the Plaintiff, Renee Zinsky, by and through her counsel averring as follows:

I. INTRODUCTION

This is a civil action brought by Plaintiff requesting relief for sexual assault, battery, false imprisonment, intentional infliction of emotional distress, defamation, and intrusion of seclusion against Defendant, Michael Russin (“Defendant Russin” or “Russin”). Defendant Russin has employed threats and intimidation tactics against Plaintiff, Plaintiff’s counsel, and Plaintiff’s witnesses relative to this matter. This Honorable Court’s decreed Defendant Russin’s conduct as intolerable. Yet, Defendant Russin continues to defy the Court and obstruct justice. Plaintiff’s Motion for Contempt should be granted and Defendant Russin must be sanctioned accordingly.

II. FACTUAL BACKGROUND

From April 2019 through present, Plaintiff has served as a life insurance sales agent on behalf of American Income Life Insurance Company (“AIL”), and its subsidiaries Arias Agencies, and Russin Financial (collectively referred to as “Corporate Defendants”). *See* Plaintiff’s Second Amended Complaint ¶21 [Doc. No. 49.] Defendant Russin made unwelcomed sexual advances toward Plaintiff,

sexually harassed, or otherwise sexually assaulted Plaintiff on numerous occasions while employed with Corporate Defendants. *Id.* at ¶59. On or about June 2021, Plaintiff began her efforts to report Defendant Russin. *Id.* at ¶65. After contacting a bogus human resources representative on behalf of Arias Agencies, Plaintiff reported Defendant Russin’s sexual misconduct and insurance fraud to Simon Arias (“Arias”) on August 11, 2021. *Id.* at ¶¶65-83. *See also* Deposition Transcript of Plaintiff, p. 269-272 attached as **Exhibit “A”**. In November 2021, Plaintiff escalated her complaints of sexual harassment and insurance fraud to an actual human resources representative on behalf of the Corporate Defendants. *Id.* at ¶¶84-86.

On November 17, 2021, AIL retained outside counsel (Phillips Murrah) to investigate Plaintiff’s complaints. *Id.* at ¶¶86-101. The investigation revealed Plaintiff’s claims of sexual harassment had been substantiated and hence, AIL terminated Defendant Russin on or about February 28, 2022. *Id.* at ¶99-101 [Doc. No. 49.]; *See also* AIL Position Statement at p.7 attached as **Exhibit “B”**. Neither AIL nor Globe Life¹ ever interviewed Plaintiff with regard to her reports of insurance fraud and refused to provide Plaintiff with any response as to its findings, if any, with regard to the alleged investigation of same. *Id.* at ¶91-99. *See also* Email dated February 18, 2022 attached as **Exhibit “C”**.

A. Defendant Russin’s Threats and Intimidation Tactics: November 2021 - September 1, 2022

Defendant Russin has employed threats and intimidation tactics on a consistent basis targeting Plaintiff, Plaintiff’s counsel, and Plaintiff’s witnesses relative to this matter. *See* Plaintiff’s Motion for Leave to File Second Amended Complaint [Doc. No. 45.] For example, Russin stated as follows:

The best defense sometimes is a good offense. And I’m ready to play offense... if you’re going to try to take food out of my child’s mouth, I will come to you, physically, and I will peel the skin off your face and take your eyes out and I’ll feed them to him. And then I’ll eat your liver.

- a. On or about December 2021, and on subsequent occasions, Russin published a photograph of his face with the caption “*Fuck Around and Find Out*”
- b. On or about December 2021, Defendant Russin stated “*Your beatings will continue. Until*

¹ Globe Life is the parent company of AIL (NYSE: GL).

my morale improves, I don't hate you, I'm just removing an enemy. Remorse is for the dead"

- c. On December 4, 2021, Russin referred to himself as *"240 lbs of sex drive and violence"*
- d. On January 10, 2022, Russin stated *"More people need to start getting punched in the face."*
- e. On January 13, 2022 and January 15, 2022, Russin advised *"how to protect yourself as a man... get legal counsel on retainer and make it very publicly known, Fuck Around and Find Out."*
- f. On February 23, 2022, Russin contacted Plaintiff's counsel directly via Instagram threatening, *"Do you think I don't know who you are?"*
- g. On April 30, 2022 and additional occasions, Russin published a photograph of wild animal violently killing another wild animal with *"Your Time Is Coming", "Soon", "Your Daily Reminder",* etc.
- h. On May 8, 2022, Russin directly contacted Plaintiff's employer, Virgo + Garnet, threatening to appear in person at the Virgo + Garnet store².
- i. On June 2022, Russin stated *"Being nice is overrated. Just get a good lawyer and choose violence."*
- j. On July 15, 2022, Russin stated *"I have had to be extremely violent ...I've been locked up in the looney bin... charged with 8 felonies ... it's very easy to feel like you're the devil."*
- k. On July 20, 2022, Russin stated *"I'm ready for violence ... I don't believe in peace ... Everything in life is violence. You've gotta be prepared for it, especially now... Be ready. It's gametime."*
- l. On August 2022, Defendant Russin published a photograph of himself with *"War Ready"*.

Id. at ¶¶15-49. Plaintiff testified that Defendant Russin's photographs, statements and other conduct were particularly concerning since they coincided with the timing and issues relative to this matter³.

On September 1, 2022, this Honorable Court admonished Defendant Russin's aforementioned threats and intimidation tactics, declaring same as "brash" and "appalling", *inter alia*. This Honorable Court made clear to Defendant Russin's counsel, decreeing in no uncertain terms, that said conduct "would not be tolerated" going forward.

² The owner of Virgo + Garnet, is a witness in this matter. See Plaintiff's Initial Disclosures attached hereto as **Exhibit "D"**.

³ Plaintiff referenced Russin's statements such as "Fuck Around and Find Out", "You're a Bitch", "You'll Never Succeed", and numerous videos wherein he discussed allegations of sexual assault, and "how women are liars." *Id.* at 211.

B. Defendant Russin’s Threats and Intimidation Tactics: September 1, 2022 - Present.

Two days, later, on September 3, 2022, Defendant Russin published another threatening message with a photograph of himself captioned “WAR READY V2 BABY LETS GOOOO”. *Id.* at ¶51. *See also* Letter dated September 5, 2022 attached hereto as **Exhibit “E”**. Less than two weeks later, Defendant Russin threatened one of Plaintiff’s witnesses, Charles Ferarri (“Ferarri”)⁴, as follows: “After I’m done chewing up the whores up in court you’re next ... This’ll be really good for the lawyers”. *See* Mtn. for Leave at ¶53. [Doc. No. 45.]

On December 21, 2022, Plaintiff’s counsel and Defendant Russin’s counsel agreed that Defendant Russin’s written discovery responses would be due on December 23, 2022. *See* Email dated December 23, 2022 attached hereto as **Exhibit “F”**. Immediately thereafter, Defendant Russin published a threatening message stating that a “dear old friend... getting a big batch of presents tomorrow.” On or about December 22, 2022, Plaintiff’s counsel sent Defendant Russin’s counsel an email, alerting him to his clients ongoing conduct of growing concern. *See Id.*

On March 8, 2023, Defendant Russin threatened yet another one of Plaintiff’s witnesses, Matthew Mamros (“Mamros”)⁵. Specifically, Defendant Russin sent Matthew Mamros a direct message asking, “Are you prepared for violence?”, *inter alia*. *See* Defendant Russin’s Instagram Message dated March 8, 2023 attached as **Exhibit “G”**; Affidavit of Mamros dated May 2, 2023 attached as **Exhibit “H”**. On March 25, 2023, Defendant Russin threatened more violence as follows: “There is a part of me ... an absolute demon in me that comes out ... This is a warning. You do anything to take the food off my daughter’s table ... I’ll send you in such a way to the devil it will make him nauseous.”⁶

C. Defendant Russin’s Historic Violence and Threats

⁴ Ferrari was identified as a witness in Plaintiff’s Initial Disclosures. *See Exhibit “D”*.

⁵ On January 13, 2023, Plaintiff identified Mamros as a witness in this matter when testifying that Mamros accompanied her to the hospital where Plaintiff was treated for injuries resultant from being drugged by Defendant Russin at a work function. *See Exhibit “A”* at pp. 114-116.

⁶ *See* Russin, Michael, Absdieon Achievement, “I Almost Yakked”, March 25, 2023.

During the course and scope of his employment with the Corporate Defendants, Defendant Russin frequently used insults while referring to Plaintiff, and Plaintiff's co-workers⁷, e.g. "sluts", "whore", "pussy", "dumbass women", "disgusting fucking tramp", etc. *See* Sec. Amnd. Comp. ¶58. [Doc. No. 49.] Similarly, Defendant Russin frequently employed violent threats at work⁸. Plaintiff testified as follows:

I feared him.... I feared ever making him mad in any situation. I feared losing my job. I feared my life. I feared how he would tell me he could control certain things. He had power over certain things. I feared everything when it comes to Mike.

See **Exhibit "A"** at p. 180; *See also* Affidavit of Plaintiff attached as **Exhibit "I"**. Plaintiff further testified that Defendant Russin threatened to kill her if she ever left AIL because she "knew too much". *Id.* at 222. During work meetings, Defendant Russin "rages out", "throws something aggressively or kicks something, putting me in a chokehold..." *Id.* at 274-276. In July 2020, Plaintiff witnessed Defendant Russin barricaded in a hotel room "saying he was going to kill the cops", "flipping out ... clearly on drugs and alcohol." *Id.* *See also* Simon Arias deposition transcript⁹. Defendant Russin "destroyed pretty much the whole hotel room."

Moreover, Defendant Russin would often threaten Plaintiff and her co-workers to ensure that they would not retain legal counsel with regard to their employment with the Corporate Defendants. *Id.* at 269. While conducting a team meeting on behalf of American Income Life Insurance Company and Arias Agencies, Russin screamed as follows:

You would have to shoot me in the fucking face and drag me out of here, my lifeless corpse ... If this scares anyone off, fuck em! I don't give a shit! ... And if you think you're gonna go online and get attorneys ... I've got a quarter mill saved and we will go to battle, for years and it won't put a fuckin' dent in what I've fuckin' got ... I'm a fuckin' psycho ... anyone with half a fuckin' brain can see that ... I'm a Goddam psycho!¹⁰

⁷ Many of the witnesses Plaintiff has identified as witnesses in this case to date are said co-workers.

⁸ E.g. "Why does someone have to put a gun to your head to work", "If you're not working today, you're choosing your own suffering", etc. *See Id.*

⁹ Although Plaintiff's counsel objects to the classification of Arias' deposition testimony as "confidential", the transcript for this exhibit is being deliberately omitted at this time. Plaintiff will supplement upon request and/or permission by the Court.

¹⁰ *See* "I'm a Psycho" audio recording. Plaintiff will make an electronic copy available to this Honorable Court upon request.

See also Aff. of Plntff. at **Exhibit “I”**, Affidavit of Mamros dated May 1, 2023 at **Exhibit “J”**.

During another work meeting, Defendant Russin addressed Plaintiff and her co-workers as follows:

I’m the alpha male ... I run this shit! ... I had to slit people’s throats to get an SA contract ... Most of you couldn’t do that if I had a fucking gun to your parents fucking heads ... You don’t like this kind of coaching? ... I don’t give a fuck! ... I got a quarter mill saved to deal with that shit. So put your fuckin’ quarter mill up against mine and my lawyers.

See “Russin Meeting 1099” audio recording.¹¹

Defendant Russin openly admits to his anger and violent tendencies particularly in the context of work. On or about April 28, 2022, Defendant Russin stated as follows:

I used to have, and I still have ... a really bad temper ... At the drop of the hat I’d flip my gourd ... I engaged in fear-based leadership ... I’m notorious for if you cross me you’re going to be broken beyond repair.¹²

On April 21, 2023, Defendant Russin stated he “was very hard on people when I was in the life insurance business ... I would get my managers on a call and I would ream them out.”¹³

D. Defendant Russin’s Recent Violence and Threats

Over recent months, Defendant Russin has made similar statements through the course of his podcast episodes.¹⁴ On March 22, 2023, Russin stated “My conscious stream of thought is getting darker and darker ... I’m very on edge from argument to threat of physical violence ... I think the devil has found a way to knock me off my game.”¹⁵ On March 24, 2023, he went on to say “I have a very strong tendency to react to things violently, with anger ...”¹⁶ On March 30, 2023, Russin posed “Why can’t I beat your clump of cell brains out with a baseball bat in the middle of the street on a Tuesday at 2pm?”¹⁷ On April 21, 2023, he stated “I’m getting a little angrier ... I’m looking at an AR10 and

¹¹ Plaintiff will make an electronic copy available to this Honorable Court upon request.

¹² Russin, Michael, Absideon Achievement, “Are You In Control?”, April 28, 2023.

¹³ Russin, Michael, Absideon Achievement, “Tornadoes and Stress”, April 21, 2023.

¹⁴ Defendant Russin’s demeanor in the podcast episodes is consistent, if not subdued, in comparison with his conduct in the workplace with Plaintiff and her co-workers. See Aff. of Zinsky at **Exhibit “I”**, Aff. of Mamros at **Exhibit “J”**.

¹⁵ Russin, Michael, Absideon Achievement, “Protect Your Energy”, March 22, 2023.

¹⁶ Russin, Michael, Absideon Achievement, “Be Still And Let Him Fight”, March 24, 2023.

¹⁷ Russin, Michael, Absideon Achievement, “Modernity and Hell”, March 30, 2023.

AR15.”¹⁸ On April 25, 2023, Russin asked “You know how many more people I could take out with my car than with an assault rifle? ... I’m way better with a rifle than a handgun. I gotta get better with a handgun.”¹⁹ Similarly, Russin has declared his intent “to get as many guns as I can”²⁰ and that “I will kill if necessary.”²¹ Defendant Russin further elaborated as follows:

If you see me that I’m so angry I have tears in my eyes, somebody is about to get hurt really bad ... somebody is about to get dumped on their skull ... I wanted to rip something’s anus I half. I want to pull someone’s organs out of them.²²

I promise you that’s the last thing you’ll use your legs to do ... ‘cause after that you won’t be able to feel anything from the waist down, possibly the neck down ... I’m talking about breaking people’s spines.²³

I used to have, and I still have ... a really bad temper ... I was born angry ... Now we have social media ... You can just go online and say anything ... with rage, blind rage.²⁴

I’m not going to jail or anything like that yet ... I would start the biggest prison riot in the history of mankind ... That’s how it was when I went to the hospital for three days ... I was king of the crazies ... As someone who has been diagnosed with three or four disorders, officially clinically diagnosed ... I was bipolar at one point.²⁵

Defendant Russin has recently published similar social media posts encouraging violence and stating he’s “Concerned” while holding a gun²⁶. See Defendant Russin Instagram posts at **Exhibit “K”**.

III. LEGAL ARGUMENT

A. This Honorable Court has the Authority to Sanction Defendant Russin’s Contempt Pursuant to 18 U.S.C. 401

Pursuant to 18 U.S.C. 401, this Honorable Court has the power and discretion to punish contempt of its authority including but not limited to in the following manner:

- 1) Misbehavior or any person in its presence or so near thereto as to obstruct the administration of justice; and,

...

¹⁸ Russin, Michael, Absideon Achievement, “Tornados and Stress”, April 21, 2023.

¹⁹ Russin, Michael, Absideon Achievement, “Disorientation and Patience”, April 25, 2023.

²⁰ Russin, Michael, Absideon Achievement, “Smiling Strangers”, February 23, 2023.

²¹ Russin, Michael, Absideon Achievement, “Hit the Search Engine”, April 29, 2023.

²² Russin, Michael, Absideon Achievement, “Rainy Day Routine and Spanking?” April 24, 2023.

²³ Russin, Michael, Absideon Achievement, “Rambling and Racing Roush Mustangs”, April 27, 2023.

²⁴ Russin, Michael, Absideon Achievement, “Are You In Control?”, April 23, 2023.

²⁵ Russin, Michael, Absideon Achievement, “The Thorn And Asians Are Killing It”, March 24, 2023.

²⁶ Defendant Russin published these social media posts between April 27, 2023 and May 4, 2023.

3) Disobedience or resistance to its lawful writ, process, order, rule, decree, or command.

For the reasons described in more detail below, Defendant Russin's conduct is governed by both subsections 1) and 3) of 18 U.S.C. 401.

B. Defendant Russin's Conduct Amounts to Obstruction of Justice Pursuant to 18 U.S.C. 1503

18 U.S.C. 1503 condemns obstructing pending judicial proceedings, i.e. interfering with the "due administration of justice." Specifically, 18 U.S.C. 1503(a) provides as follows:

Whoever corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be punished as provided in subsection (b).

The elements of a prima facie case of obstruction of justice are as follows: 1) the existence of a judicial proceeding; 2) knowledge or notice of the pending proceeding; 3) acting corruptly with the intent of influencing, obstructing, or impeding the proceeding in the due administration of justice; and 4) the action had the natural and probable effect of interfering with the due administration of justice. *See United States v. Sussman*, 709 F.3d 155, 168 (3d Cir. 2013).

Here, there is no question as to the fulfillment of the first two elements. In order to "corruptly endeavor" to obstruct the due administration of justice, the endeavor must have the natural and probable effect of interfering with the due administration of justice."²⁷ Examples of misconduct which provide the basis for a prosecution under §1503 include conduct such as threatening jurors²⁸, contacting witnesses²⁹, and violating a court order freezing assets. *United States v. Sussman*, 709 F.3d 155, 168 (3d Cir. 2013). Based on the timing, content, and recipients of Russin's threats, the third and fourth elements are similarly fulfilled in this case.

For example, the timing of Russin's threats, i.e. beginning after Plaintiff escalated her complaints, continuing during the pendency of the instant litigation, and oftentimes within days of certain events relative to this matter (e.g. Russin announcing the delivery of his "big batch of presents"

²⁷ *United States v. Walasek*, 527 F.2d 676, 679 (3d Cir. 1975).

²⁸ *See United States v. Rapi*, 175 F.3d 742 (9th Cir. 1999).

²⁹ *See United States v. Grisanti*, 116 F.3d 984 (2nd Cir. 1997).

the day before his counsel delivered Russin’s written discovery responses³⁰) is clearly coincident with this litigation. The content of Russin’s threats are directly on point with the issues pending in this matter, i.e. sexual assault, publicly announcing retention of legal counsel, “chewing up the whores in court”, and violence in general. The list goes on. Finally, the recipients of Russin’s threats are all central to the pending litigation: Plaintiff, Plaintiff’s counsel, and at least three of Plaintiff’s named witnesses (Anne Zacharias, Charles Ferrari, Matthew Mamros). Clearly, Defendant Russin’s ongoing threats and disobedience toward this Court is punishable under 18 U.S.C. 1503.

C. Defendant Russin’s Conduct Amounts to Obstruction of Justice Pursuant to 18 U.S.C. 1512

Pursuant to 18 U.S.C. 1512(a), the use of force or the threat of the use of force to prevent the production of evidence is a crime punishable by sanctions³¹. A threat to assault is punishable by imprisonment for not more than 20 years³². A subsection 1512(a) offense is by definition a crime of violence³³.

Subsection 1512(b) prohibits knowingly using one of the prohibited forms of persuasion (intimidation, threat, misleading or corrupt persuasion) with the intent to prevent a witness’s testimony or physical evidence from being truthfully presented at official federal proceedings³⁴. Subsection 1512(d) prohibits intentional harassment of another person, thereby hindering, delaying, preventing, or dissuading, any person from attending or testifying in an official proceeding, or an attempt to do so. Prosecution for obstructing official proceedings under subsection 1512(b) and (d) require proof that the defendant intended to obstruct a particular proceeding³⁵. In *U.S. v. Zavala*, the Third Circuit upheld the conviction of a defendant under subsection 1512(b) for attempting to intimidate witnesses through social

³⁰ See **Ex. “F”**

³¹ 18 U.S.C. 1512(a)(1-3).

³² 18 U.S.C. 1512(a)(3)(C).

³³ 18 U.S.C. 16(a) The term ‘crime of violence’ means an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another.

³⁴ See *United States v. Tyler*, 732 F.3d 241, 248, 249-50 (3d Cir. 2013); *United States v. Zavala*, 831 F.3d 137 (3d Cir. 2016).

³⁵ *Arthur Andersen LLP v. United States*, 544 U.S. 696, (2005); *United States v. Tyler*, 732 F.3d 241, 248 (3d Cir. 2013)

media. For the reasons already cited above with regard to Defendant Russin's conduct, the elements of 1512(a), 1512(b) and 1512(d) are clearly fulfilled in this case.

D. This Honorable Court has the Authority to Sanction Defendant Russin's Contempt Pursuant to 18 U.S.C. 401(3) and F.R.Civ.P. 37(b)

Pursuant to 18 U.S.C. 401(3), this Court has the authority to sanction Defendant Russin for his disobedience or resistance to this Court's lawful writ, process, order, rule, decree, or command. On September 1, 2022, this Honorable Court decreed, in no uncertain terms, that Defendant Russin's conduct "would not be tolerated" going forward. 18 U.S.C. 401(3) provides the Court with broad discretion in fashioning a contempt sanction to address the offending conduct. The Third Circuit has consistently held that the contempt power is a critical tool to protect the integrity of the judicial system.³⁶ Pursuant to 18 U.S.C. §401(3), the Court has the inherent power to impose contempt sanctions as necessary to protect its authority, to include holding a party in contempt for failure to comply with discovery.³⁷ For the same reasons, this Court has the authority to sanction Defendant Russin pursuant to Fed. R. Civ. P. 37(b). Therefore, Plaintiff seeks relief from this Honorable Court in the form of sanctions as follows:

- a) Deem as contempt of Court Defendant Russin's failure to obey this Honorable Court's decree to cease and desist threatening and harassing conduct against Plaintiff;
- b) Deem the facts as designated in Plaintiff's Second Amended Complaint as established for purposes of this matter;
- c) Prohibit Defendant Russin from opposing the designated facts pursuant to Plaintiff's Second Amended Complaint;
- d) Criminal punishment for Defendant Russin, including but not limited to imprisonment, or other criminal punishment in line with the federal sentencing guidelines;
- e) Reasonable attorney's fees and costs related to the preparation of this Motion for Contempt in the amount of \$2,000.00; and,
- f) Any other relief this Court deems appropriate.

WHEREFORE, Plaintiff's counsel respectfully requests this Court grant a Plaintiff's Motion for Contempt in this matter.

³⁶ See *Aloe Coal Company v. Clark Equipt. Co.*, 816 F.2d 110 (3d Cir. 1987); *U.S. v. Kithcart*, 218 F.3d 213 (3d Cir. 2000); *U.S. v. Fletcher*, 823 F.3d 514 (3d Cir. 2016).

³⁷ *United States v. Giordiano*, 261 F. App'x 341 (3d Cir. 2008).

Respectfully submitted,

/s/ Amy N. Williamson

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CERTIFICATE OF SERVICE

I hereby certify on this day of 22 April, 2023 I electronically served a copy of the foregoing **MOTION FOR CONTEMPT AS TO DEFENDANT MICHAEL RUSSIN** via the CM/ECF system which will send notification of such filing.

/s/ Amy N. Williamson

Amy N. Williamson, Esq.